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PRESIDING OFFICER'S  
RULING NO. MC98-1/9

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UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

POSTAL SERVICE  
OFFICE OF THE PRESIDING OFFICER

Mailing Online Service

Docket No. MC98-1

PRESIDING OFFICER'S RULING  
DENYING POSTAL SERVICE REQUEST FOR  
CHANGES TO THE ELECTRONIC SERVICE EXPERIMENT

(September 17, 1998)

Presiding Officer's Ruling MC98-1/4 announced an experiment with electronic service of documents that the Commission would test in this case. On September 11, 1998, the Postal Service filed a response to that ruling in which it stated it would participate as a Restricted Participant in the experiment, but also requested that the experiment be modified in two ways.

Specifically, the Postal Service requested that all parties be required to make hard copy service on the Postal Service, regardless of participation in the experiment; and that documents not be treated as served on the date filed, unless the full document was posted on the Commission website by 5:00 pm that day. These requests will be discussed separately.

The Postal Service explains that currently some parties voluntarily make actual service on the Postal Service shortly after filing documents with the Commission. The Service is apparently concerned that participants in the experiment will cease to provide hard copies to the Postal Service in this fashion. Intervenor in Postal Rate Commission dockets are not required to provide actual service to the Postal Service,

and it would undermine the purpose of the electronic service experiment to require parties to also provide hard copy service in addition to electronic service.

Of course, parties may, if they choose, voluntarily absorb the expense of providing actual service to the Postal Service. It is worth noting, however, that the practice of providing the Postal Service with actual service began as part of a cooperative document exchange program initiated more than a decade ago in order to overcome problems that arose because of Postal Service failures to make timely service by First-Class Mail on intervenors. *See for example*, Docket No. R87-1, Tr. 1/37. It seems unreasonable to require parties to continue a practice undertaken because of Postal Service failures to provide timely service.

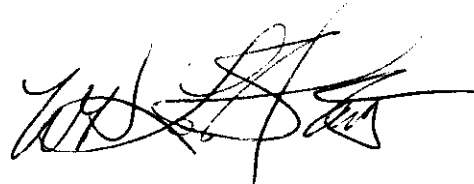
The second Postal Service request also undermines the purpose of the electronic service experiment. Under current rules, parties may file with the Commission up until 5:00 pm on any business day, and provide service by First-Class Mail sent that day. In the electronic service experiment, the Commission has undertaken to make all filings available on its website prior to the time participants might reasonably expect to receive copies served by First-Class Mail. Thus, under the experiment, participants will have access to electronic versions of documents before those documents would be received by normal service.

The rule proposed by the Postal Service would cause electronic service of documents filed at or just before 5:00 pm to be legally ineffective, even though participants would gain access to the electronic versions of such documents well before they would receive "legally effective" service via First-Class Mail. The Postal Service, more than any other participant, tends to file documents with the Commission close to the end of the day. This practice is permissible for both the Service and other participants. The electronic service experiment is designed to accommodate this practice by mounting electronic versions of documents on the Commission website after the close of the business day, but before the documents would be received if served by First-Class Mail as currently required by Rule 12(e).

The Postal Service and other participants may, if they wish, mail copies of documents to other participants. However, if successful, electronic service will save participants the time and expense of effecting hard copy service, while providing more rapid access to documents filed with the Commission than service via First-Class Mail.

#### RULING

The Postal Service motion that the Commission modify its electronic service experiment in two ways, filed September 11, 1998, is denied.

A handwritten signature in black ink, appearing to read 'W.H. LeBlanc III', with a stylized flourish extending to the right.

W.H. "Trey" LeBlanc III  
Presiding Officer